

SUBCHAPTER Z : WASTE MINIMIZATION AND RECYCLABLE MATERIALS

§330.1170. Purpose of Used Oil Reimbursement Program.

The purpose of this subchapter is to create a procedure to reimburse registered used-oil collection centers for costs of proper transportation and disposal of hazardous waste, when that waste is generated by contaminated used motor oil the collection center has accepted from the do-it-yourselfers (DIY), which has been managed in accordance with this subchapter.

§330.1171. Applicability of Used Oil Reimbursement Program Rules.

This subchapter applies to Registered Used Oil Collection Centers registered pursuant to Chapter 371 of the Texas Health and Safety Code and this chapter.

§330.1172. Definitions Pertaining to Used Oil Reimbursement Program.

The following words and terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise.

Commission - The Texas Water Commission

Hazardous waste - Any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code 6901 et seq., as amended.

§330.1173. General Conditions and Limitations Regarding Used Oil Reimbursement.

(a) The commission, upon proper application for used oil reimbursement, shall reimburse a properly registered used oil collection center for those costs associated with the disposal of the following:

(1) do-it-yourself (DIY) oil which, unknown to the registered used oil collection center, contains hazardous wastes; or

(2) used oil, which, when commingled with contaminated DIY oils, is rendered unsuitable for recycling.

(b) A registered used oil collection center is eligible for reimbursement only if it demonstrates to the satisfaction of the commission the following:

(1) the center has established procedures to minimize the risk that the used oil it generates and accepts from the public will be mixed with hazardous wastes, especially halogenated wastes; and

(2) the center can document to the satisfaction of the commission the volume of used oil it has received from the public during a given time period by:

(A) providing a process by which all DIY are required to log their name, address, and the approximate amount of used oil brought to the collection center, and ensuring that all DIY- collected oil is kept in a separate sealed and labeled container, and that above-ground storage tanks are placed on an impermeable surface; or

(B) any other method approved by the commission.

(c) In any commission fiscal year, a registered used-oil collection center shall be reimbursed for not more than \$5,000 in total disposal costs, subject to the availability of funds.

(d) Reimbursements made pursuant to this subchapter will be paid out of the Used Oil Recycling Fund in an aggregate amount not to exceed \$500,000 per fiscal year.

§330.1174. Procedures for Reimbursement.

(a) An owner or operator of a registered used oil collection center may file for reimbursement from the commission.

(b) Once forms are made available by the commission, an application for reimbursement filed pursuant to this subchapter shall be on a form approved or provided by the commission.

(c) The application shall contain the following information:

(1) the name, address, and telephone number of the applicant;

(2) the name, mailing address, location address, and TWC registration number of the registered used oil collection center from which the contaminated oil was removed;

(3) the name, address, telephone number and TWC registration number of the hazardous waste transporter used to dispose of the contaminated used oil;

(4) a copy of the signed uniform hazardous waste manifest;

(5) a copy of the invoice(s) for which reimbursement is requested and evidence that the amount shown on the invoice(s) have been paid in full. Such evidence may be in the form of:

(A) canceled checks;

(B) business receipts from the person who performed the work; or

(C) any other documentation approved by the commission:

(6) a waste-characterization or similar documentation required by the disposal facility prior to acceptance of a hazardous waste; and

(7) any other information which the executive director may reasonably require.

(d) All claims for reimbursement filed under this subchapter are subject to the availability of funds in the used oil recycling fund. Nothing in this subchapter shall be construed to create an entitlement to monies in the used oil reimbursement fund or any other fund.

(e) All properly completed applications must be filed with: Texas Water Commission, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711, Attention: Automotive Waste Recycling Manager. Incomplete applications may be returned by the commission without further processing.